

EXHIBIT 6

AFFIDAVIT

I, Christa J. Snyder, aver the following to be true and correct to the best of my knowledge:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), currently assigned to the Boston Division;
2. Beginning in 1999, Sheila Porter provided information to the FBI, on a confidential basis, about events at the Suffolk County House of Corrections (HOC);
3. Sheila Porter was providing this information as of the date of her dismissal from HOC;
4. On May 20, 2003, and one or more other dates, Sheila Porter provided information to the FBI about events at HOC;
5. On or about May 29, 2003, Sheila Porter provided information to the FBI about her having been questioned by Sheriff's investigators regarding her previously having provided information to the FBI.

I declare the foregoing is true to the best of my knowledge. Signed under pains and penalties of perjury, this 9 day of June, 2005.

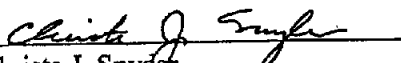

Christa J. Snyder
Special Agent
Federal Bureau of Investigation
Boston, Massachusetts

EXHIBIT 7

VOL: I
PAGES: 1-118
EXHIBITS: 1-4

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

* * * * *
SHEILA J. PORTER, *
Plaintiff *
-vs- * Civil Action
ANDREA CABRAL; SUFFOLK COUNTY * No. 04-11935-DPW
SHERIFF'S DEPARTMENT; SUFFOLK *
COUNTY and CORRECTIONAL MEDICAL *
SERVICES, INC., *
Defendants *
* * * * *

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

DEPOSITION OF MARY ELLEN MASTRORILLI, a witness
called on behalf of the Plaintiff, in the
above-captioned matter, said deposition being
taken pursuant to the Federal Rules of
Civil Procedure, before Patricia M.
McLaughlin, a Certified Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Goodwin Procter
LLP, Exchange Place, Boston, Massachusetts, on
Monday, June 27, 2005, commencing at 10:05 a.m.

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1 to her?

2 A She told me that Nurse Practitioner
3 Sheila Porter had observed suspicious
4 bruising on an inmate, suspicious injuries or
5 suspicious bruising, on an inmate by the name
6 of Rene Rosario. I then said to Donna,
7 "Please tell Sheila to write a confidential
8 report on her observations, and once I
9 receive that report I will give it to my
10 boss," who was Superintendent Patrick
11 Bradley, "and I will also forward a copy of
12 the report to SID."

13 Q Was anyone else present for that
14 conversation?

15 A No.

16 Q Do you remember what was Miss Jurdak's
17 reaction to that?

18 A She said that she would tell Sheila to write
19 the report.

20 Q Was there any other conversation that you can
21 recall between the two of you at that time?

22 A I don't recall any further conversation
23 beyond that.

24 Q I take it you didn't specify a particular

1 time frame for that report to be completed in
2 that conversation?

3 A I did not. No, I did not specify.

4 Q After that conversation did you next have
5 some communications with anyone else on that
6 topic?

7 A I believe I told my boss, Patrick Bradley,
8 that Donna had come to me sharing
9 Sheila Porter's observations, and I believe I
10 told him the action that I took, which was to
11 ask for a written report to be submitted.

12 Q And do you think you had an oral conversation
13 or a written communication with Mr. Bradley
14 or both?

15 A I can't specifically recall. I may have told
16 him verbally and then followed up with a
17 written report just to keep him informed.

18 (Document marked Exhibit No. 1.)

19 Q Miss Mastrorilli, I have put in front of you
20 what's been marked as Exhibit No. 1 and I ask
21 if you recognize that document.

22 A Yes, I do.

23 Q What do you recognize it to be?

24 A I recognize it to be an E-mail from me to my

1 recall?

2 A I can't recall what was on his message beyond
3 the fact that he wanted me to call him and
4 speak to him.

5 Q You may or may not have known the topic of
6 what you were calling him back on?

7 A That's correct.

8 Q And as you sit here today, give me your best
9 memory of what it is he said to you when you
10 called him back?

11 A I believe he said to me do you realize that
12 one of our contract employees sent a
13 confidential report to the FBI without our
14 knowledge, without our authorization. I
15 said, no, I did not realize that. He told me
16 then that the FBI received a confidential
17 report from a woman named Sheila Porter, who,
18 of course, was our nurse practitioner.
19 According to this memo --

20 Q Give me your best memory.

21 A So I said, no, I didn't realize that
22 Sheila Porter had sent a confidential report
23 to the FBI about suspicious bruising. I said
24 in response to that information, I said

1 that's -- I have a problem with an employee
2 sending outside confidential information --
3 sending confidential information to an
4 outside employee, should I now do what I need
5 to do to bar this employee. He said, no, let
6 me talk it over with the Chief of Staff.

7 Q You indicated in the report that he
8 wholeheartedly agreed with you. What do you
9 remember him saying in terms of him
10 expressing his agreement?

11 A He was in agreement that an employee should
12 not send confidential information to an
13 outside agency and that that is, in fact,
14 grounds for barring.

15 Q He's agreeing with both components of that;
16 he's agreeing with your assessment that this
17 isn't right to send it to an outside agency
18 and that your response to that should be
19 barring?

20 MS. CAULO: Objection.

21 A Yes.

22 Q When you offered to bar Mrs. Porter, what is
23 it he responded back to you?

24 A He said don't do anything yet; let me talk it

1 from Miss Jurdak that you had requested on
2 May 19th?

3 A Yes, I did receive it.

4 (Document marked Exhibit No. 3.)

5 Q Miss Mastrorilli, I'll show you what's been
6 marked as Exhibit No. 3, and it appears to be
7 a three-page document. I'd start by asking
8 you if you recognize the second two pages,
9 which appear to be Bates stamped 746 and 747.

10 A Yes, I do recognize these pages.

11 Q What do you recognize those pages to be?

12 A This was the report that I had been waiting
13 for from Sheila that Donna Jurdak delivered.

14 Q I take it when you received the report it was
15 not blacked out in various spots as this
16 document is, correct?

17 A That's correct.

18 Q And do you remember when you received the
19 report? Do you remember the date?

20 A I don't remember the exact date, but I
21 believe it was about ten days to two weeks
22 after I had requested it.

23 Q When you received it, do you recall whether
24 it had the stamp "confidential" at the top,

1 remember what I did in this case, but it's
2 likely that he received the original.

3 Q In addition to Mr. Bradley, did you provide a
4 copy to anyone else?

5 A I don't specifically remember. I may have
6 given a copy to Viktor Theiss. I may have
7 slid a copy under his door, but I don't
8 specifically recall.

9 Q Did you keep a copy for yourself?

10 A I believe I did.

11 Q Did you read the report when you received it?

12 A Yes, I did.

13 Q Other than forwarding copies or
14 originals as you've described to us, did you
15 take any other action?

16 A No.

17 Q At any time during this time period that
18 we're referring to, did you ask anyone to
19 initiate or cause an investigation of
20 Miss Porter?

21 A No.

22 Q Do you remember how you received the back two
23 pages of this three-page document of
24 Exhibit 6? Do you know who delivered it to

1 receiving this. I believe some time had
2 passed.

3 Q So what is the next event then that you
4 remember as it relates to the barring of
5 Miss Porter?

6 A The next thing I recall is Viktor Theiss
7 telling me that I can move forward and bar
8 Sheila Porter, and I said, okay, but what am
9 I going to bar her for; what should I tell
10 her. He told me talk to the Chief of Staff;
11 the Chief of Staff will tell you.

12 Q Was that a telephone call or a meeting that
13 you had with Mr. Theiss?

14 A I don't recall.

15 Q Was it close in time to when you actually met
16 with Miss Porter and barred her?

17 A Yes.

18 Q Is it the same day?

19 A It was the same day, yes.

20 Q If I suggest to you that the day that
21 Miss Porter was barred was June 10th of 2003,
22 is that consistent with your memory?

23 A Yes, it is.

24 Q So you had some conversation with Viktor

1 Theiss on June 10th?

2 A Yes.

3 Q He then directed you to go get the reasons
4 for barring Miss Porter from the Chief of
5 Staff?

6 A Yes.

7 MS. CAULO: Objection.

8 Q Who is the Chief of Staff?

9 A Elizabeth Keeley.

10 Q Did you have some contact with Miss Keeley?

11 A Yes, I did.

12 Q Do you recall, was it in person or was it on
13 the telephone?

14 A I don't recall specifically. I want to say
15 that it was in person, but I don't
16 specifically recall the details.

17 Q What's your best memory of what you said to
18 her and what she said to you in that
19 conversation about barring Miss Porter?

20 A My best recollection is that I told her that
21 Viktor told me to move forward with the bar,
22 but that I was unclear as to the reasons for
23 it or what I should say to Sheila in barring
24 her and that Viktor directed me to talk to

1 her about it, so I'm here for my direction.

2 Q What did she say to you?

3 A She said to me, well, clearly Sheila has
4 divulged confidential patient information to
5 an outside agency, and that's grounds for her
6 to be barred.

7 Q What else was said in that conversation, if
8 anything?

9 A The only other thing that I can recall, we
10 may have had some discussion about the S220
11 policy, and the S220 policy is the policy
12 having to do with rules and regulations
13 governing employee actions.

14 Q And what's your best memory of what portion
15 of S220 was discussed with Miss Keeley?

16 A There were a couple of paragraphs in that
17 policy that spoke to employees divulging
18 confidential inmate information to an outside
19 agency without authorization and that
20 specifically based on that language I could
21 bar her.

22 (Document marked Exhibit No. 4.)

23 Q Miss Mastrorilli, is it your best
24 recollection that you and Miss Keeley had a

1 physical copy of S220 during your
2 conversation or that she was describing to
3 you the provision that related to discussion
4 of confidential information?

5 A I don't recall actually myself having a copy
6 of the policy. I did later on when I met
7 with Sheila and barred her. At the moment
8 that Chief Keeley and I were discussing it, I
9 don't recall being in possession of the
10 policy. Chief Keeley may have been, but I
11 don't recall that I was.

12 Q Is it your memory that you left the meeting
13 with Chief Keeley with a specific provision
14 in mind that was the basis for barring
15 Miss Porter?

16 MR. KILEY: Objection.

17 MS. CAULO: Objection.

18 A Yes.

19 MR. KILEY: My memory is the testimony
20 was that she wasn't sure whether it was a
21 meeting or a telephone call.

22 BY MR. SAVAGE:

23 Q Fair enough. Is it your best memory that you
24 concluded your encounter, whether it was by

1 phone or in person, with Miss Keeley with an
2 understanding of a specific provision under
3 which Miss Porter would be barred?

4 MS. CAULO: Objection.

5 A Yes.

6 Q So what did you do next after that
7 conversation?

8 A I contacted Donna Jurdak, and I said -- I
9 called her up, and I think I asked her to
10 come to my office. Then when she was in my
11 office, I said, Donna, I'm going to have to
12 bar Sheila Porter today, and I want you to be
13 in the office with me when we do this; the
14 way it will work is, Donna, you and I will go
15 to your office; you will then call Sheila in;
16 I will bar her; I will read from the policy,
17 and that will be that.

18 Q So what happened next?

19 A This conversation with Donna took place at
20 about 12 noon. I asked when does Sheila's
21 tour of duty end for the day. Donna told me
22 that her shift normally ends around 3, 3:30,
23 but it's not unusual for her to work longer,
24 to work until 5, 5:30. So I said, okay, I'll

1 come to your office at 3 o'clock and we'll
2 meet with Sheila and I'll bar her.

3 Q What happened next?

4 A At 3 o'clock, I went to the office, Donna's
5 office. Donna called Sheila in, and I
6 started my conversation by saying something
7 like, Sheila, I need to have a very
8 uncomfortable conversation with you this
9 afternoon. I said it has recently come to my
10 attention that you have divulged confidential
11 medical information with an outside agency
12 and as a result I'm going to have to bar you.
13 I said contract employees are held to the
14 same rules and regulations as county
15 employees.

16 I opened the policy, and I read one or
17 two paragraphs having to do with information
18 being given to outside agencies without
19 authorization. I read those paragraphs, and
20 then I asked is there anything that you'd
21 like to say in your defense or is there
22 anything that in any way would you like to
23 respond. Sheila was very upset, said no,
24 stood up and left the office.

1 document, is the provision that you refer to
2 in barring her contained on that page?

3 A Yes, it is.

4 Q Which provision is that?

5 A I believe it's Provision C, Confidential
6 Communications.

7 Q And did you read all or part of Paragraph C
8 to Miss Porter when you barred her?

9 A Yes, I did.

10 Q Do you recall what portion you read?

11 A I believe I read C1 and C2A. I believe those
12 are the only two sections that I read.

13 MR. KILEY: May I have a moment, please,
14 with my client.

15 MR. SAVAGE: Sure.

16 (Witness and counsel conferred.)

17 MR. KILEY: Can we stay off the record?

18 MR. SAVAGE: Yes.

19 (Discussion held off the record.)

20 BY MR. SAVAGE:

21 Q Miss Mastrorilli, you indicated that you
22 would have shared with Miss Porter the
23 contents of Paragraph C1 and 2A?

24 A Yes.

1 Q At that point had anyone at the Suffolk
2 County Sheriff's Department told you that
3 Miss Porter had had previous circumstances
4 where she was called upon to share
5 information with the FBI?

6 A No.

7 Q And if you had known that, would that have
8 changed your view as to whether she should
9 have been barred?

10 MS. CAULO: Objection.

11 A Yes, it would have.

12 Q In what way would it have changed your view?

13 A I believe I would have questioned the
14 barring.

15 Q To determine whether people at the
16 Suffolk County Sheriff's Office had known
17 about her previous activities?

18 A That and also the appropriateness of barring
19 someone who is working with law enforcement.

20 Q Were there any circumstances surrounding
21 either the timing or form of Miss Porter's
22 report to you of the Rene Rosario
23 observations that she made that would have
24 justified in your mind barring her?

1 A No.

2 Q In your experience supervising the medical
3 unit are you aware of whether circumstances
4 surrounding the timing or form of reports
5 would be of sufficient seriousness to warrant
6 barring someone?

7 A No.

8 Q What's, in your experience, the typical
9 sanction if there is a problem with either
10 the form of a report or the timeliness of a
11 report?

12 MS. CAULO: Objection.

13 A I supposed taking an employee's entire work
14 history into account it could range from a
15 verbal warning up to and including
16 discipline, termination.

17 Q Whose decision is that?

18 A Depending on the severity of the sanction, it
19 could be the immediate supervisor or it could
20 go as high as the Sheriff in the case of
21 termination or barring.

22 Q After you had your meeting with Miss Porter,
23 did you communicate to anyone that you had
24 had that meeting?

1 Q Did you have a conversation after Miss Porter
2 was barred with anyone from CMS calling to
3 inquire as to the basis for the barring?

4 A I don't have specific recollection, but it
5 would not have been unusual for me to speak
6 with Ann Mack. Ann Mack was the regional
7 vice-president. It's likely that Ann Mack
8 and I would have had a conversation.

9 Q Do you have a memory of what the substance of
10 that conversation was?

11 A I think -- again, I don't have a specific
12 memory, but I believe what I told her is that
13 Sheila was barred because of giving
14 confidential information to an outside
15 agency.

16 Q Are you aware of whether there are any
17 contractual or other procedures between the
18 Suffolk County Sheriff's Department and CMS
19 in terms of notice and other procedural
20 actions that are supposed to be taken when
21 someone is barred?

22 A I was not aware of those procedural actions.

23 Q Do you know whether the Suffolk County
24 Sheriff's Office did anything in terms of

1 Q I'm not asking you what you had received,
2 Miss Mastrorilli.

3 MR. SAVAGE: Let her finish her answer.
4 You can finish your answer.

5 THE WITNESS: What I had received was a
6 medical progress note form, which I accepted
7 as a confidential incident report even though
8 the form wasn't technically -- an incident
9 report form is a piece of paper that is
10 blank, and it says Suffolk County
11 Sheriff's Department Incident Report. I
12 accepted this as a confidential incident
13 report.

14 Q When you say you accepted this, you are
15 referring to Exhibit No. 3, which is the
16 two-page document dated May 19th with
17 Miss Porter's signature on the second page?

18 A Yes.

19 Q When you say you accepted this, when you gave
20 the directive for Mrs. Porter to provide a
21 confidential incident report, is this what
22 you expected to receive? When I say this,
23 Exhibit No. 3.

24 MR. SAVAGE: Objection.

1 A I expected a confidential report. The format
2 mattered little to me. What was important to
3 me was the information contained. I couldn't
4 have cared less about what piece of paper it
5 was written on.

6 Q I didn't ask you --

7 MR. SAVAGE: Will you please let her
8 answer.

9 Q I'm sorry. I cut you off, Miss Mastrorilli.
10 It was not my intention.

11 A For all intents and purposes, that was a
12 confidential incident report for me.

13 Q I appreciate that. I understand that you
14 didn't necessarily care what the form was,
15 but when you said a confidential incident
16 report, you did not intend for this two-page
17 document; is that correct?

18 MR. SAVAGE: Objection.

19 A I really can't say. I mean, up until I saw
20 this report, I don't think that I have ever
21 seen an interdisciplinary progress note form.
22 So when I gave the directive to Donna, I gave
23 it to her in language that I was familiar
24 with, which was an incident report form. So

1 the day?

2 MS. CAULO: No, we're not here for the
3 day, Joe.

4 A My best recollection is I met with her in her
5 office. I don't recall exactly.

6 Q Did you have a discussion with her concerning
7 the barring of Sheila Porter?

8 A Yes.

9 Q How long was this meeting? How long did it
10 take?

11 A I believe it was very brief, five to ten
12 minutes.

13 Q And during this five- or ten-minute meeting,
14 the Chief of Staff provided to you reasons
15 why Miss Porter should be barred?

16 A Yes.

17 Q Did she discuss with you Miss Porter's
18 failure to file a timely report?

19 A No.

20 Q Did she discuss with you Miss Porter's
21 failure to document Mr. Rosario's medical
22 file?

23 A No.

24 Q Did she discuss with you the concerns about

1 the inconsistent nature of the information
2 contained within the May 19th document and
3 observations of other persons who had seen
4 Mr. Rosario?

5 A No.

6 Q Did you take any notes of this meeting,
7 Miss Mastrorilli?

8 A I don't recall taking notes, no.

9 Q Your recollection is that Miss Keeley was
10 looking through S220 while she was discussing
11 with you the reasons for the barring of
12 Miss Porter?

13 A I don't exactly recall. I'm thinking that
14 she did, but I don't have a specific
15 recollection. I don't know that I would have
16 pulled out the policy on my own, and I don't
17 think I would have done that on my own and
18 read it to Sheila. So I'm thinking that the
19 chief and I must have discussed it.

20 Q When you say must have discussed it, S220?

21 A The policy, yes.

22 Q Do you recall having a conversation with the
23 Chief of Staff sometime in June after
24 Miss Porter was barred regarding the meeting

EXHIBIT 8

VOL: I
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

* * * * *
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* * * * *

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

DEPOSITION OF BRIAN DACEY, a witness
called on behalf of the Plaintiff, in the
above-captioned matter, said deposition being
taken pursuant to the Federal Rules of
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McLaughlin, a Certified Shorthand Reporter and
Notary Public in and for the Commonwealth of
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LLP, Exchange Place, Boston, Massachusetts, on
Thursday, June 16, 2005, commencing at 10:10 a.m.

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1 Q That isn't the question that I meant to ask.

2 A I'm sorry.

3 Q When the incident report has a date that it's
4 filed, is it your policy and practice that
5 that's the truthful date that it was filed?

6 A I'm sorry. Read that again.

7 (Reporter read question as recorded.)

8 I can't say that that's the truthful
9 date that it's filed.

10 Q So on occasion, you put dates that are
11 different than the date that it's filed in
12 the section that says "date report filed"?

13 A I don't recall when I wrote this report. I
14 know I have the date in there, but there are
15 times when I may have put the date --

16 Q So the date that's written in --

17 MS. CAULO: Have you finished your
18 answer?

19 A My practice at that time is different
20 slightly now. I believe at this time we were
21 writing the day of the incident and the date
22 of the report filed as the same date, not
23 necessarily when I actually filed the report.

24 Q So it's possible that this report is

1 you put that the date the report filed to be
2 the same date of the incident?

3 A Not necessarily my policy.

4 Q There were occasions when that happened?

5 A Again, I was new in the department. These
6 were new incident reports that had been
7 created by our department at the time.

8 Q Is there anything else in this report that
9 you believe may be inaccurate?

10 MS. CAULO: Objection. I don't believe
11 the witness has testified that that is
12 inaccurate.

13 MR. SAVAGE: I said may be.

14 MS. CAULO: You may answer.

15 A I don't know.

16 Q You don't know if this report is accurate?

17 A I haven't read it in full.

18 Q Take your time.

19 A I believe it to be accurate, with the
20 exception that I may have added staff members
21 involved at a later date as I learned of more
22 staff members.

23 Q So it's your testimony that the section that
24 says "staff members involved" is not an

1 accurate listing of the staff members that
2 you knew to be involved on May 19th, 2003?

3 A Correct. On May 19th, 2003, the only staff
4 members that I knew were to be involved were
5 the medical staff that I had observed when I
6 observed the medical records and Mark
7 DeAngelis, who was the unit officer. I
8 believe I learned from the logbook in the
9 medical unit who had transported
10 Inmate Rosario down to the medical unit.

11 Q So now, it's your best memory that you know
12 for a fact that the date that this report was
13 filed was not May 19th?

14 A No, I'm going to change that. It probably
15 was filed on that May 19th, yet I know I
16 added names after May 19th to be inclusive of
17 our entire investigation, who was involved as
18 far as staff members went. So those names
19 could have been added at a later date. Such
20 as Robert Murphy and Scott Smith on May 19th,
21 I didn't necessarily know that they were
22 involved, as well as Nurse Sheila Porter
23 because her name was not in any medical
24 record.

1 your business what you do. The date the
2 report filed, again, this was a new form that
3 was created. It wasn't filed anywhere. This
4 was on our computer. It was a working
5 investigation.

6 Q Would you agree with me that someone reading
7 this report and seeing "date report filed"
8 and then reading information below it would
9 reasonably conclude that that was the
10 information known on the date that the report
11 was purportedly filed?

12 A Someone might, yes.

13 Q When you say someone might, Wouldn't you
14 think virtually everyone would?

15 MS. CAULO: Objection. You may answer.

16 A I don't know.

17 Q Is there any indication on this document that
18 would make someone think that any information
19 was added after May 19th?

20 A Is there any indication? I'm sorry.

21 Q On this document that there is any
22 information contained within the document
23 that was added after May 19th?

24 A There is no indication, no.

1 after I spoke to Nurse Meekins.

2 Q Right after as on May 22nd?

3 A Correct.

4 Q Then why is it dated on June 5th?

5 A As you can see by the date, 06/05/03, that
6 changes the date. It automatically changes
7 the date unless you cross that out and type
8 in the dates. So when I printed that on
9 June 5th, 2003, that is why that date
10 reflects it.

11 Q So you say there is an automatic device that
12 prints on the to-from memos records the date
13 as the date the document is printed?

14 A If I change the date, then it will reflect
15 that date, but I have no way of knowing. I
16 know I wrote this report before 6/5/03.

17 Q Going back to Exhibit 3 --

18 A That does not change.

19 Q I take it that your --

20 A That does not automatically change.

21 Q The technology does not automatically change
22 the date and the date filed?

23 A Not on that incident report, no.

24 Q So it's impossible to tell from Exhibit 6

1 when the document was actually prepared?

2 A My typical practice is to type my reports
3 after -- within that day or the day following
4 my interviews.

5 Q If you go down to the middle of the report,
6 am I reading accurately the sentence that
7 said, "Meekins stated that the only injury he
8 observed was a bruise on R's left bicep"?

9 A That's correct.

10 Q Is that what Meekins said to you?

11 A That's what I can recall. I don't recall
12 necessarily what he said to me, but that's
13 what I put in my report following our
14 interview.

15 Q Was that consistent with your observations of
16 the injuries?

17 A I observed three light marks on his left
18 bicep and one up on his shoulder.

19 Q Meekins stated that the only injury he
20 observed was a bruise on R's left bicep. I
21 take it then his observations were not
22 accurate as far as you were concerned?

23 MS. CAULO: Objection.

24 A Well, that was his observation.

1 Q In your investigation of the allegations by
2 Rene Rosario, did you interview Mrs. Porter?

3 A Yes.

4 Q How many times?

5 A Twice.

6 Q When was the first time?

7 A May 22nd, I believe, 2003.

8 Q What were the circumstances of that
9 interview?

10 A We were in the medical unit making copies of,
11 I believe, the medical record at the time,
12 and Miss Porter was also in the medical unit
13 and intimated that she knew about Rene
14 Rosario or knew why we were there.

15 Q When you say intimated, what did she say to
16 you and what did you say to her?

17 A I don't recall. Just that she knew why we
18 were here, to talk to Rene.

19 Q Did she initiate the conversation or did you?

20 A I believe she did.

21 Q Who was present when she initiated this
22 conversation?

23 A Investigator Aleman.

24 Q And yourself?

1 had contacted Agent Snyder. I didn't know
2 whether it was an inmate or a staff member at
3 that point. It was in the back of my mind.
4 It wasn't the target or the focus of our
5 investigation. It was just to find out who
6 assaulted Rene Rosario, if anyone assaulted
7 Rene Rosario.

8 Q What was your conversation with Mr. Jacobs
9 about the topic of Miss Porter?

10 A Just prior to going into the interview, he
11 asked us what we were doing. I don't think
12 he knew who we were interviewing. I said,
13 oh, we finally got Nurse Rosario's report; we
14 just have follow-up questions for her. I
15 said to him words to the effect, my best
16 recollection, I think she phoned the FBI, and
17 he said, well, see if she'll tell you in
18 there.

19 Q I think you said in your answer
20 Nurse Rosario. I assume you meant
21 Nurse Porter?

22 A I'm sorry. Nurse Porter

23 Q That's what you meant?

24 A It was.

1 Q In your conversation with Mr. Jacobs, who
2 else was present?

3 A Just he and I.

4 Q Was it a prearranged meeting?

5 A No, no, it was impromptu.

6 Q What caused him to ask the question, if you
7 know?

8 A What caused him to ask --

9 Q The question, what are you doing?

10 A We had someone in the interview room, and he
11 just wanted to know who are you guys
12 interviewing. It was a standard, general
13 question.

14 Q And your response was what?

15 A We finally got a report from Nurse Porter,
16 and we are interviewing her regarding her
17 report.

18 Q And some conversation about her and the FBI?

19 A I said I think she might have been the one
20 who contacted the FBI, and he said, well, see
21 if she'll tell you in there.

22 Q Why was it important to you and Mr. Jacobs to
23 see if Miss Porter would tell you if she was
24 the one who contacted the FBI?

1 Q You don't have a memory?

2 A I don't know if she offered it or whether it
3 was asked. I honestly don't.

4 Q Up at the top of that page, the third line
5 down, there is a sentence that says,
6 "Miss Porter stated that she observed a
7 bruise on the left upper chest/shoulder/bicep
8 area." Is it your memory that that's what
9 she said?

10 A I remember more the contiguous to the bicep.
11 I don't know whether Sonya was summarizing or
12 paraphrasing at that point. I don't recall.

13 Q So your best memory is Miss Porter may or may
14 not have said shoulder?

15 A Again, I think Sonya might have included
16 that. This is her report. This is her
17 summary. I don't know.

18 Q You say it's her report and her summary, but
19 you've also told us that you say --

20 A I don't recall at this point. At that time,
21 I said it was a true and accurate summary of
22 the events as told to us.

23 Q When, in fact, Miss Porter never mentioned
24 shoulder at all, did she?

1 A I don't recall whether she had told me
2 anything or whether I had known anything
3 about that.

4 Q Subsequent to that, what, if anything, do you
5 know about Miss Porter's contact about
6 Miss Jurdak?

7 A Other than what's in Sonya Aleman's report, I
8 think that's basically what I knew about
9 Miss Jurdak.

10 Q When you say basically, is there something
11 else?

12 A No, I can't recall honestly, other than
13 what's in Sonya's report.

14 Q Did you ever speak to Miss Jurdak about any
15 topic relating to Rene Rosario's allegations
16 or Mrs. Porter's report?

17 A No, I don't believe we did.

18 Q When you say "we" --

19 A I didn't.

20 Q Are you aware of anyone else who did?

21 A No, when I said we, I was thinking about
22 Sonya since we did the investigation
23 together.

24 Q Just to keep the record as clear as we can,

1 the same question as to Miss Mastrorilli, did
2 you or anyone else speak to her in connection
3 with the investigation of Rene Rosario's
4 allegations and Mrs. Porter's reporting?

5 A I did not, and I don't know whether anyone
6 else did.

7 Q Without reference to your report, what do you
8 remember Miss Porter saying to you about her
9 contact with Miss Jurdak?

10 A I didn't have a recollection until I reread
11 Sonya's report.

12 Q Do you have a recollection now, or is it just
13 whatever the report says?

14 A What's in the report is my best memory.

15 Q Do you have any specific memory independent
16 of that interview with Miss Porter that day
17 beyond what's in this report?

18 A I have some specific memory, sure.

19 Q What do you recall about it?

20 A I recall that she came down. It was a
21 cordial interview. We discussed what she had
22 learned from Rosario, what she had observed
23 from Rosario, whether she had any knowledge
24 about any threats Rosario was alleging had

1 conclusion of your investigation of
2 Mr. Rosario's allegations, did you receive
3 any follow-up contact from anyone in the
4 Sheriff's Office about that investigation?

5 A No.

6 Q Were you ever asked to make a report, a
7 recommendation, based on your findings
8 concerning Miss Porter?

9 A No.

10 Q At some point in time, did you come to learn
11 that some adverse actions had been taken as
12 to Miss Porter?

13 MS. CAULO: Objection.

14 A I don't recall when. I know it was several
15 weeks following our conclusion of the
16 investigation, that Nurse Porter had been
17 barred from the institution.

18 Q How did you learn that?

19 A I don't recall.

20 Q You have zero recollection of how you learned
21 that?

22 A I imagine it was through someone in SID, but
23 I don't recall who it was. I don't recall
24 whether it was Viktor or Steve Jacobs.

1 interviewed, documents received and a
2 conclusion.

3 Q And it's the case summary of the Rene Rosario
4 investigation?

5 A Correct.

6 Q Is this the case summary that was provided to
7 Mr. Theiss?

8 A Yes.

9 Q Is it provided with any -- was it provided
10 with any attachments to Mr. Theiss, or was it
11 just this document?

12 A I believe the entire file went with all our
13 interview memos, the incident report, all the
14 documents we had received. I believe we put
15 it in an actual file and turned it over.

16 Q So some of the interview reports are dated
17 the day after this is dated, right?

18 A I'm sorry?

19 Q This Exhibit 11 appears to be dated June 4th.
20 Haven't we been examining some memos of
21 interviews that are dated June 5th?

22 MS. CAULO: Objection.

23 A My explanation was when I printed out those
24 reports -- as you can see, I wrote out the

1 date here, June 4th, 2003, rather than using
2 the zero six zero, what have you, and I
3 explained that our computers change the date
4 automatically when the document is pulled up
5 and printed. It automatically changes the
6 date. So when -- I wrote this on June 4th.
7 I don't know when I printed it. It might
8 have been June 5th when I printed the entire
9 packet.

10 Q Can you flip back to maybe 10?

11 A Yes.

12 Q What's the date on that?

13 A May 29th, 2003.

14 Q So that --

15 A Written out. That would not change.

16 Q But you have no idea when this was printed
17 either?

18 MS. CAULO: What is this?

19 MR. SAVAGE: I'm sorry. Exhibit 10.

20 A No. That's different from the 06/05/03,
21 correct? This one is written out in May and
22 spelled out in May 29, 2003.

23 Q Directing your attention to Exhibit 11, the
24 second page, do you see there is an entry

1 about Sheila Porter?

2 A Yes.

3 Q Would you read into the record the last
4 sentence of the May 28th, '03, entry?

5 A Sure. "Admitted that she phoned FBI to
6 report the May 19th incident."

7 Q So that you obtained through your
8 interrogation an admission of Miss Porter on
9 May 28th, right?

10 MS. CAULO: Objection.

11 A Through our conversation with her on
12 May 28th, 2003, it was learned that she had
13 contact with the FBI.

14 Q Of course, it doesn't say it quite that way,
15 does it?

16 MS. CAULO: Objection. The document
17 speaks for itself. Sorry, Joe.

18 Q That's all right. It says she,
19 quote-unquote, admitted it?

20 A Yes.

21 Q Is that's a confession, right?

22 MS. CAULO: Objection.

23 A It was admitted. It's an answer to a
24 question.

1 Q And you put in your case summary of the Rene
2 Rosario injuries the information that
3 Miss Porter had admitted contacting the FBI,
4 correct?

5 A Yes.

6 Q So that was significant to your report on the
7 Rene Rosario situation?

8 MS. CAULO: Objection.

9 A I think I put it in again, because I was
10 curious when I asked the question. It was my
11 summary of that conversation with her.

12 Q Mr. Dacey, this report is five or six pages,
13 summarizing numerous interviews in a sort of
14 headline type of fashion?

15 A Correct.

16 Q So was it your intention to put only the most
17 important information into this case summary?

18 MS. CAULO: Objection. You may answer.

19 A Again, I don't know what my intention was.
20 There were summaries of the interviews at the
21 time.

22 Q It's fair to say, is it not, that you chose
23 to put some things in and leave things out?
24 This doesn't purport to be every single thing

1 paragraph is somewhere in the paperwork that
2 was attached to the case summary?

3 A Yes.

4 Q Did you have any conversations with anybody
5 at Bridgewater or Plymouth or Dukes or
6 Hampden about Mr. Rosario?

7 A No, I didn't, no.

8 Q Did anyone involved in this investigation
9 have any conversations with them?

10 A I don't know.

11 Q To your knowledge, were there any reports
12 written of any conversations with anyone at
13 those places?

14 A No.

15 Q Did you write a report of your conversation
16 with Miss Snyder?

17 A No.

18 Q Is there a reason that you didn't write a
19 report of your conversation with Miss Snyder?

20 A It was a very brief telephone conversation.
21 I typically don't write reports on all the
22 telephone conversations I have with law
23 enforcement agencies.

24 Q Is that because it was on the telephone that

1 A No.

2 Q At some point did you ask her for the report
3 that she indicated to you she was already
4 writing?

5 A I believe in our first interview she
6 mentioned that she had a report or we asked
7 for a report. I don't recall the exact -- I
8 think Sonya asked if we could have the
9 report. I don't recall whether she said she
10 started one or --

11 Q I'll show you what's marked as Exhibit 12 and
12 ask you if you recognize any of those pages.

13 A Yes, they appear to be medical notes from
14 Rene Rosario's file at the Suffolk County
15 House of Corrections.

16 Q Specifically, those are four pages, is it
17 not?

18 A Yes.


19 Q Just so we can kind of keep track of them,
20 since they don't have numbers on the bottom
21 of them, can you give me a one-sentence
22 description of each page?

23 A The first page is dated 5/20, '03, 10:15 a.m.
24 It appears to be a medical not written by

EXHIBIT 9

**Suffolk County Sheriff's Department
Custody Assessment and
Program Services Division
20 Bradston Street
Boston, MA 02118
617-635-1000 x6502**

Memo

To: Supt. Patrick Bradley 
From: Mary Ellen Mastroiilli, Deputy Superintendent
Date: 5/23/2003
Re: Nurse Practitioner Sheila Porter

On Monday, May 19, 2003 Health Services Administrator Donna Jurdak came to my office to inform me of the observations of Nurse Practitioner Sheila Porter as a result of a routine medical examination she conducted on Inmate R [REDACTED] ([REDACTED]). She related to me that Ms. Porter noticed "suspicious bruising" on the upper arms of Inmate R [REDACTED]. I directed her to tell Sheila Porter to document her findings in a confidential incident report and give the report to me. Administrator Jurdak agreed to do so. I have no reason to believe that Ms. Jurdak did not carry through this directive, as she has always complied with my requests in the past; however, she did not deliver the report to me as of yet.

On Thursday, May 22 at approximately 6PM I retrieved my voice mail messages. One message was to call Victor Theiss on his cell phone. I contacted Victor and he told me that the FBI told him that they received a confidential report from a woman named Sheila Porter. He said the FBI told him the report contained information describing bruises on Inmate R [REDACTED]'s body, specifically, on the arms and in the neck and chest areas. Vic went on to say those findings are peculiar in light of the fact that he had been looking at digital photos of Rosario which showed one bruise on the left bicep. I then said to Victor: "I don't know how you feel about it, but I think it is highly inappropriate for a contract employee to contact the FBI about a Suffolk County inmate without our knowledge." Victor wholeheartedly agreed. I then said I would bar her from entering right now. He told me not to do anything yet until he got back to me.

000748

EXHIBIT 10

Suffolk County Sheriff's Department

Sheriff's Investigation Division (SID)

Incident Report

Page 1 of 1

SID Incident #: N/A
 Date of Incident: 5/21/03
 Time of Incident: Approx 0930 hours
 Incident Location: NSJ
 (HOC, NSJ, or Other)

Reporting Investigator:
 Type of Incident:
 Investigation # (if any):
 Date Report Filed:

Stan Wojtkowski
 Conversation with FBI
 N/A
 5/23/03

Unit or Street Address:

200 Nashua Street, in front of NSJ.

Other SID Investigators Involved:

Viktor Theiss, Deputy Superintendent of SID

SCSD Staff Members Involved:

Unknown Medical Staff member

Inmates Involved:

I/M [REDACTED] R [REDACTED], # [REDACTED]

Narrative

On May 21, 2003, at approximately 0930 hours, Investigator Stan Wojtkowski exited Nashua Street Jail and approached a car in front of the facility driven by Special Agent Cynthia Snyder of the FBI, and contained S/A Julia Cowley of the FBI as a passenger. The purpose of this interaction was to provide S/A Cowley with discoverable materials related to an ongoing criminal case in U.S. District Court that had been jointly investigated by SID and the FBI. During this exchange, S/A Snyder informed Investigator Wojtkowski that she had received a call at approximately 5:00 pm last night (5/20/03), from a member of the medical staff at the Sheriff's Department. S/A Snyder stated that this person told her that they had witnessed an examination of I/M [REDACTED] on 5/20/03. A person named "Beth" had performed this medical examination. This person informed S/A Snyder that they had witnessed bruising to I/M Rosario's neck, chest, and under his arm that they did not feel was consistent with self-inflicted wounds. According to S/A Snyder, the observation of I/M [REDACTED]'s injuries disturbed this medical staff member enough that she notified S/A Snyder about them. S/A Snyder would not reveal the identity of the medical staff member, but stated that if SID investigators interviewed medical staff, they should be able to ascertain the person's identity. S/A Snyder stated that I/M [REDACTED] was a key witness in a federal trial that had just occurred involving several corrections officers from Nashua Street Jail. If I/M [REDACTED]'s injuries were proven to be from a corrections officer, then the FBI would consider the assault to be tampering with a federal witness. S/A Snyder asked that she be kept updated on the [REDACTED] investigation. Investigator Wojtkowski then returned back to Nashua Street Jail where he was attending First Responder Training with other members of SID. At the next break, Investigator Wojtkowski notified Deputy Superintendent of SID Viktor Theiss of the conversation he had just had with S/A Snyder. END REPORT

Reporting Investigator's Signature

Date

000791

Supervisor's Name and Signature

Date